

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 05-cr-103-01-JD

David Cartier

**O R D E R**

On November 20, 2008, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on two alleged violations of conditions of supervision. The first is the use of oxycontin and the second is failing to follow the instructions of the probation officer. I therefore find probable cause to hold him for a revocation hearing.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. Defendant has missed urine drops, submitted diluted urine, used oxycontin at least twice, and not complied with Probation's instructions. He is unlikely to abide by restrictions until after inpatient treatment and he is a danger to the community. There are no conditions which are likely to assure the safety of the community. He will be bailed into an inpatient treatment

program.

Accordingly, it is **ORDERED** that the defendant be detained until placement in such a program or the revocation hearing, whichever is first.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: November 21, 2008

cc: Bjorn Lange, Esq.  
Terry L. Ollila, Esq.  
U.S. Marshal  
U.S. Probation